



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

TDD (804) 698-4021

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS JULY 23, 2009 MEETING

MINUTE NO. 4 - Dan River Public Water Supply Petition

STAFF PRESENTATION: Alan Pollock/DEQ Office of Water Quality Programs made the staff presentation on a petition from the City of Roxboro, North Carolina to designate a one mile stretch of the Dan River as a public water supply. A raw water intake is proposed for the Dan River near the town of Milton, NC approximately 13 miles downriver from Danville, VA. North Carolina water quality standards require public water supply protections to extend 10 miles upriver from the intake. For nine river miles above the intake, the Dan River flows through North Carolina.

The final one mile segment of the Dan River that flows in Virginia is the segment being petitioned for public water supply designation to meet the North Carolina 10 mile requirement. The City of Roxboro is requesting a level of public water supply protection in accordance with Virginia's water quality standards regulation and not North Carolina's. The proposed water withdrawal is for 10 MGD. Discharge water would be returned to a tributary of the Dan River several miles below the intake. This tributary flows into the Dan River at a point about 30 miles below the proposed intake.

The Board received the petition at its April 27, 2009 meeting. A petition notice was published in the VA Register on May 25, and the comment period ended June 15. Comment was received from the City of Danville, the Town of Halifax, Halifax County, and the Town of South Boston. Opposing comment received from the Virginia localities is directed towards the necessity of the proposed intake, additional restrictions for upstream wastewater treatment plant discharges, the proposed amount of water to be withdrawn, and the location of the waters return.

Staff reported that the rulemaking process, including the two comment periods for the notice of intended regulatory action (NOIRA) and notice of public comment (NOPC), will provide sufficient opportunity to determine if a public water supply designation is warranted.

COMMENT: Board members asked several questions of staff:

For how many miles upstream of a public water supply within Virginia are rivers normally designated for special protection? *Response: Five.*

What are the special protections provided for public water supplies, and do they differ between Virginia and North Carolina? *Response: Specific numeric water quality criteria are listed in the standards for human health protection of the public water supply use. There are approximately 100 such criteria. Staff does not know if there are any differences between the Virginia and North Carolina criteria for protection public water supplies, but expect the criteria to generally be consistent.*

Was the water intake located within North Carolina to maximize the ten mile distance within their state? *Response: Yes, the intake is close to the Virginia-North Carolina border, so only about one mile of North Carolina's ten mile protection zone extends into Virginia.*

STAFF RECOMMENDATION AND BOARD ACTION

Staff recommended the Board direct staff to initiate a rulemaking to consider designation of the identified one mile segment of the Dan River in Virginia as a public water supply.

The Board voted unanimously [7-0] to adopt the staff recommendation.

Ellen Gilinsky, PhD
Director, Water Division

Date